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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA**

In re:

JOSHUA ALLEN FULFER

Debtor,

) Case No.: 19-13493-A-13F

) CHAPTER 13

) DC NO. TCS-1

) CHAPTER 13 TRUSTEE'S OPPOSITION
) TO CONFIRMATION OF CHAPTER 13
) PLAN

) DATE: September 3, 2020

) TIME: 9:30 a.m.

) PLACE: U.S. Courthouse

) Dept A, Courtroom 11, 5th Floor

) 2500 Tulare Street

) Fresno, Ca 93721

) JUDGE: Hon. Jennifer E. Niemann

MICHAEL H. MEYER, Chapter 13 Trustee in the above referenced matter, objects to confirmation of the Chapter 13 Plan filed on July 28, 2020, on the following grounds:

I.

BASIS OF OBJECTION

The plan fails to provide for submission of all or such portion of future earnings or other future income to the supervision and control of the Trustee as is necessary for execution of the plan. [11 U.S.C. §1322(a)]

Based on the filed claims, the plan will take over 91 months to fund. Debtor has filed an objection to the claim of the Internal Revenue Service, which is set for hearing on September 3, 2020. See Doc. No. 50. The Trustee will recalculate the required plan payment after resolution of the claim

1 objection. However, even if the claim of the Internal Revenue Service is reduced to \$0.00, the plan will
2 not fund in the remaining months and the plan payment will need to increase.

3 **II.**

4 **POINTS AND AUTHORITIES**

5 11 U.S.C. §1322(a) provides that a plan shall provide for certain payments to creditors and for
6 payment of claims within specified classes. Pursuant to 11 U.S.C. §1325(a)(1) the Court shall confirm
7 a plan if the plan complies with the provisions of Chapter 13 and with other applicable provisions of
8 this title.

9 11 U.S.C. §1325(a) provides that the Court shall confirm a plan if certain criteria set forth in
10 §1325(a) is met.

11 The debtors carry the burden of proving, by a preponderance of the evidence, that the plan
12 complies with the statutory requirements of confirmation. In re Arnold and Baker Farms, 177 B.R.648,
13 654 (9th Cir. BAP 1994), In re Warren, 89 B.R. 87, 93 (9th Cir. BAP 1988), In re Wolff, 22 B.R.510,
14 512 (9th Cir. 1982).

15 **WHEREFORE**, the Trustee requests that the Trustee's opposition to confirmation of the plan
16 be sustained.

17 Dated: 8/5/20

18 Respectfully submitted,

19 /s/ Sarah R. Velasco

20 Sarah R. Velasco, Staff Attorney for
21 Michael H. Meyer, Chapter 13 Trustee